

LEGISLATIVE BILL 940

Approved by the Governor April 13, 2006

Introduced by Schimek, 27

AN ACT relating to government; to amend sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska; to change provisions relating to new political parties, prohibited acts at or near designated polling sites, and lobbying; to prohibit certain activities of the Secretary of State related to campaign committees; to create the Office of Homeland Security, the Director of State Homeland Security, and the Homeland Security Policy Group; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 32-716, Reissue Revised Statutes of Nebraska, is amended to read:

32-716 (1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The petitions shall be filed with the Secretary of State no later than February 1 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party.

(2) The petition shall conform to the requirements of section 32-628. The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed. Such name shall not be or include ~~, but~~ the name of any political party then in existence or any word forming any part of the name of any political party then in existence, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan". ~~shall not be adopted.~~ The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of, being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition; and my date of birth and city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Sec. 2. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:

32-1524 (1) No judge or clerk of election or precinct or district inspector shall do any electioneering on election day while acting as an election official.

(2) No person shall do any electioneering, circulate petitions, or perform any action that involves solicitation on election day within any polling place, or any building in which an election is being held, designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 3. Section 49-1434, Reissue Revised Statutes of Nebraska, is amended to read:

49-1434 (1) Principal ~~shall mean~~ means a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist ~~shall mean~~ means a person who is authorized to lobby on behalf of a principal and ~~shall include~~ includes an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist ~~shall~~ does not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof; ~~who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;~~

(e) Any individual who does not engage in lobbying for another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 4. The Secretary of State shall not be a member or officer of a committee as defined in section 49-1413 other than a committee formed for his or her own candidacy.

Sec. 5. (1) The Office of Homeland Security is created. The Governor shall appoint the Director of State Homeland Security who shall serve at the pleasure of the Governor.

(2) The purpose of the office is to ensure preparedness by the State of Nebraska in response to terrorist acts. The office shall coordinate efforts regarding domestic security issues with the United States Department of Homeland Security. The Director of State Homeland Security shall serve as the contact between the state and the United States Department of Homeland Security.

(3)(a) The Homeland Security Policy Group is created. The Director of State Homeland Security shall serve as chairperson of the policy group. The policy group is charged with assessing strategic alternatives and recommending broad courses of action for the development of comprehensive strategies. The Governor shall appoint other members of the policy group who shall serve at the will of the Governor. The Executive Board of the Legislative Council shall select one member of the Government, Military and Veterans Affairs Committee and one member of the Appropriations Committee of the Legislature to serve as ex officio nonvoting members of the policy group.

(b) The policy group shall report by March 1 of each year to the executive board identifying federal funds sent to the state in support of its preparedness activities and indicating the use of federal funds received by the state for homeland security, including specific amounts allocated to any unit of state or local government and the use to which the unit shall apply the funds.

(c) The policy group shall not be subject to the Open Meetings Act or to sections 84-712 to 84-712.09.

Sec. 6. Original sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska, are repealed.